



The Comptroller General
of the United States

Washington, D.C. 20548

Brown

Decision

Matter of: Mark Dunning Industries, Inc.--Reconsideration

File: B-230058.2

Date: May 26, 1988

DIGEST

Request for reconsideration that basically only reiterates previously rejected arguments does not warrant reversal or modification of the prior decision.

DECISION

Mark Dunning Industries, Inc., requests reconsideration of our decision, Mark Dunning Industries, Inc., B-230058, Apr. 13, 1988, 88-1 CPD ¶ , denying its protest of the award of a custodial services contract at Eglin Air Force Base, Florida, to Madison Services, Inc., under request for proposals (RFP) No. F08651-87-R-0092, issued by the U.S. Air Force.

We deny the request for reconsideration.

The RFP required that the successful small business contractor provide recurring custodial services for more than 150 buildings at Eglin. The RFP stated that the resulting contract would be for a firm, fixed-price for a basic year with four 1-year options. Offerors were advised that their proposed use of staffing would be reviewed to determine soundness of approach and understanding of the particular custodial problems at Eglin. After discussions and evaluation of best and final offers (BAFOs), Mark Dunning was determined unacceptable for award because it proposed insufficient manpower to perform the contract.

In its protest, Mark Dunning argued that the agency's estimate of minimum manhours to complete the contract's requirements was inaccurate, that the RFP should have identified the agency manhours estimate, and that there was

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a lack of meaningful discussion before BAFOs were submitted. In its protest, Mark Dunning provided an elaborate justification for its manpower estimates, none of which were contained in its BAFO as the agency requested in discussions. While the protester was not provided the agency manhours estimate, it based its assertion of agency inaccuracy upon its interpretation of the historical data of janitorial services at Eglin AFB and its view of changes in the custodial requirements from prior years.

Our prior decision explained that the evaluation of technical proposals and the resulting determination of whether an offeror is in the competitive range is primarily the responsibility of the contracting agency. Accordingly, our Office does not make an independent determination of the merits of technical proposals but, rather, we examine the agency's evaluation to ensure that it is reasonable. See Personnel Decisions Research Institute, B-225357.2, Mar. 10, 1987, 87-1 CPD ¶ 270. We also noted that the protester bears the burden of showing that the evaluation is unreasonable, and the fact that it disagrees with the agency does not itself render the evaluation unreasonable. GTE Government Systems Corp., B-222587, Sept. 9, 1986, 86-2 CPD ¶ 276.

We concluded from our review of the agency determination of the minimum manhour requirements that the agency's in-house manning estimate was reasonable and was based upon its experience at that particular facility, historical manhours data derived from prior contracts, and its expectations for the next 5 years. We also found that the agency was not required to disclose the manhours estimate in the RFP. Finally, we found no reason for the agency to conduct further discussions after BAFOs as meaningful discussions had taken place and Mark Dunning had been properly advised of its manhours deficiency.

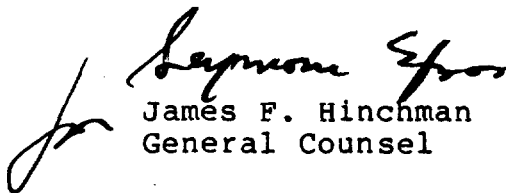
In its request for reconsideration, Mark Dunning argues that the agency estimate was improperly calculated, was not made pursuant to the RFP's requirements, and that minimum staffing requirements should have been included in the RFP. Mark Dunning contends that the agency's estimate is fatally flawed because it "improperly [used] the historical figures." Again, Mark Dunning alleges that its manhours estimate was reasonable because of the agency's failure to "faithfully [adjust] for the differences between the subject solicitation and [the prior contract]."

Mark Dunning again is alleging that the Air Force failed to consider the recent changes in facilities, for example, change from tile to carpet in some areas which it argues requires less manpower, and that the Air Force did not prepare its manhours estimate according to the

solicitation's requirements which, for example, did not require workers be stationed in specific buildings. As we indicated in our decision, our review of the agency determination of minimum manhour requirements showed that the agency's in-house manning estimate was reasonable and was based upon its experience at that particular facility, historical manhours data derived from prior contracts, and its expectations for the next 5 years. We recognized Mark Dunning's explanation that it took into account the lack of an RFP requirement contained in the prior contract for minimum onsite staffing, the increase in carpeted floors, which requires less frequent cleaning under the contract, and generally increased square footage. However, we nevertheless could not find the agency's estimate, which is based essentially on actual prior years payroll records and the increased square footage, to be unreasonable. We concluded that we would not overturn an agency determination of its minimum needs simply because the protester argues that its calculations are more correct.

We therefore are not persuaded that we erred in our prior decision in concluding that Mark Dunning's BAFO was properly rejected as unacceptable, and Mark Dunning has failed to present any new evidence to the contrary. Mark Dunning's repetition of its earlier arguments shows that it simply disagrees with our conclusions in our prior decision; however, mere disagreement or reiteration of previously rejected positions does not provide a basis for reversal or modification of a prior decision. Sony Corporation of America--Reconsideration, B-225512.3, Apr. 10, 1987, 87-1 CPD ¶ 397.

The request for reconsideration is denied.


James F. Hinchman
General Counsel